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December 11, 2012

Hon. Andrew T. Baxter
Federal Building and U.S. Courthouse
P.O. Box 7396
Syracuse, New York 13261

Dear Judge Baxter:

Re: Stellar 83 Court, LLC v. Bank of America, N.A.
Civil No.: 12-cv-00335
Our File No.: 2459.9338

A telephonic status conference is scheduled with Your Honor for December 17, 2012 at 1:30 p.m. In advance of that conference, the parties have conferred about the need to extend certain limited deadlines associated with expert disclosure. Presently, the Court's Uniform Pretrial Scheduling Order sets the following deadlines for expert disclosure: December 31, 2012 for plaintiff/third-party plaintiff's experts; February 13, 2013 for defendant/third-party defendants' experts; and February 28, 2013 for all parties' rebuttal experts. The parties are in the midst of discovery and are in the process of scheduling a mediation hearing, which the parties are attempting to schedule prior to the court-ordered deadline of January 27, 2013. Discovery will be completed by the court-ordered deadline of March 30, 2013. Given, though, the timing of the mediation and the discovery process, the parties anticipate that it will be difficult for them to comply with the current expert disclosure deadlines.

The parties, therefore, respectfully are requesting that the Court extend the expert disclosure deadlines as follows:

No later than April 30, 2013, plaintiff/third-party plaintiff shall identify any expert(s) and, unless waived, shall serve on the other parties the expert's written report pursuant to Fed. R. Civ. P. 26(a)(2)(B).

No later than June 15, 2013, defendant/third-party plaintiff shall identify any expert(s) and, unless waived, shall serve on the other parties the expert's written report pursuant to Fed. R. Civ. P. 26(a)(2)(B).

No later than June 30, 2013, all parties must identify experts who will contradict or rebut evidence on the same subject matter identified by another party under Subparagraphs 6(A)(i) and (ii) above, and unless

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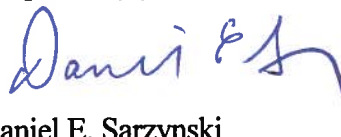
waived, shall serve on the other parties such expert's report pursuant to Fed. R. Civ. P. 26(a)(2)(B).

No later than August 30, 2013, the parties shall conduct the depositions of all experts.

The extension of these expert disclosure deadlines also would necessitate the extension of the deadline for motions under paragraph 7 of the Court's Uniform Pretrial Scheduling Order. Presently, that deadline is May 18, 2013. The parties are requesting that that date be extended to October 15, 2013.

When the parties confer with the Court on December 17th, we respectfully request that Your Honor consider and make a determination on these proposed extensions. Thank you for Your Honor's courtesies.

Respectfully yours,



Daniel E. Sarzynski

/tbs

cc: W. Bradley Hunt, Esq.
Robert A. Barrer, Esq.
Pamela A. Miller, Esq.
Kathleen A. Reilly, Esq.
Andrew B. Messite, Esq.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STELLAR 83 COURT, LLC,

Plaintiff,

Case No.: 12-cv-00335

vs.

BANK OF AMERICA, N.A.,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2012, I electronically filed a letter dated December 11, 2012 and addressed to Hon. Andrew T. Baxter, with the District Court using the CM/ECF system, which would then electronically notify the following CM/ECF participants in this case:

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